

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

ROGER L. TAYLOR,

Plaintiff,

Civil Action No. 7:11-CV-1351  
(NAM/TWD)

vs.

VERMONT RAILWAY,

Defendant.

APPEARANCES:

OF COUNSEL:

David Lockard & Associates  
15 West Highland Avenue  
Philadelphia, PA 19118  
Attorney for Plaintiff

David L. Lockard, Esq.

Downs, Rachlin Law Firm  
199 Main Street  
P.O. Box 190  
Burlington, VT 05402  
Attorney for Defendants

Danielle L. Pennetta, Esq.  
Marc B. Heath, Esq.

**Norman A. Mordue, U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

Pursuant to a report of the mediator (Dkt. No. 59), the parties have entered into an agreement in settlement of all claims in this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order

upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **"that no party hereto is an infant or incompetent"** in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

IT IS SO ORDERED

Date: May 28, 2013

  
Honorable Norman A. Mordue  
U.S. District Judge